

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO.: 5:21-CR-00190-D-1

UNITED STATES OF AMERICA

v.

ALLAN GLYMAR MALDONADO

MOTION TO CONTINUE
ARRAIGNMENT HEARING AND
MOTION TO RESET PRETRIAL
MOTIONS DEADLINE

The Defendant, Allan Glymar Maldonado, through undersigned counsel, and without opposition from the Government, hereby asks this Honorable Court to continue the arraignment in this matter, currently scheduled for the August 2, 2021, and to reset the pretrial motions deadline which expired on July 8, 2021, and that subsequent deadlines be adjusted accordingly. In support of this Motion, Defendant shows the following:

1. Mr. Maldonado was indicted on April 28, 2021 and charged with Possession of a Firearm and Ammunition by a Convicted Felon, Possession with the Intent to Distribute a Quantity of Cocaine, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime. (D.E. 1).
2. On June 3, 2021, Mr. Maldonado appeared before Magistrate Judge James E. Gates for his initial appearance and the Government moved for his pretrial detention. (D.E. 9).
3. An Order of Temporary Detention was issued by Magistrate Judge Gates on June 2, 2021 and the Detention Hearing was scheduled for June 9, 2021. (D.E. 10).
4. Also on June 3, 2021, the undersigned entered a Notice of Appearance on behalf of Mr. Maldonado. (D.E. 11).

5. On June 4, 2021, a Scheduling Order in this matter was issued setting the pretrial motions deadline for July 8, 2021 and scheduling the arraignment for the August 2, 2021 term of court.

6. Also on June 4, 2021, undersigned counsel moved to Continue the Detention Hearing, which was subsequently rescheduled for June 14, 2021. (D.E. 14).

7. On June 14, 2021, a Detention Hearing was held before Magistrate Judge Brian S. Meyers and the Government's Motion for Pretrial Detention was allowed. (D.E. 19, 20).

8. A clerical error led the undersigned to overlook the pretrial motions deadline which expired July 8, 2021.

9. Undersigned counsel needs additional time to review the discovery in this matter and to discuss the possibility of filing any pretrial motions with Mr. Maldonado.

10. Undersigned counsel respectfully requests this Honorable Court reset the pretrial motions deadline to and including September 6, 2021.

11. Undersigned counsel also respectfully requests a sixty-day continuance of the arraignment in this matter to the Court's October 2021 term of court.

12. The Government does not object to the relief requested in this motion.

13. Allowance of this motion would serve the ends of justice and such allowance would also outweigh the best interest of the public and the Defendant in a speedy trial.

Wherefore, for the preceding reasons, Mr. Maldonado respectfully asks this Court to extend the deadline to file pretrial motions for a period of 60 days, to and including September 6, 2021, and to adjust the subsequent deadlines consistent with such an extension, namely: extending the deadline to file responses to pretrial motions to fourteen days after pretrial motions are served. Further, Mr. Maldonado respectfully requests this Court continue the arraignment and trial

presently set for August 2, 2021 for a period of sixty (60) days to the October 2021 term of court and to grant such other and further relief as this Court deems fair and reasonable.

Respectfully submitted on July 9, 2021.

TARLTON | POLK PLLC

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Designation: Retained

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

Evan Rikhye
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by electronically filing the foregoing with the Clerk of Court on July 9, 2021, using the CM/ECF system which will send notification of such filing to the above.

This the 9th day of July, 2021.

TARLTON | POLK PLLC

/s/ James B. Polk
JAMES B. POLK
Attorney for Defendant